

RUMSON ZONING BOARD OF ADJUSTMENT
MAY 20, 2014
MINUTES

Chairman Conklin called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Conklin, Brodsky, Wood, Cottrell, Seaman, Sylvester, Blum, Thompson. Also present: Bernard Reilly (Board Attorney), Bonnie Heard (T&M Assoc.), Fred Andre (Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Andre was sworn in at this time.

Thomas & Jennifer Mullins, 16 Wilson Circle

Brooks Von Arx, attorney, appeared on behalf of the applicants. He described the property as a long, narrow lot with a detached garage. They would like to connect the main house to the detached garage. The main house has been elevated after Super Storm Sandy. They think this application will improve the home and the property.

Mrs. Mullins was sworn in and explained that they purchased the house eight months before the storm. Their finished basement was a play room for their children; however, the storm flooded this area. After the storm, they raised the house to the flood regulations, and they needed to fill in the basement. They now have a crawl space and have lost their play room. They would like to connect the house to the garage and use the room above the garage for a play room and storage.

James Monteforte, architect, was sworn in, and the Board accepted his qualifications. He designed the plan and also noted the loss of the basement. He described the proposal for the space in the garage, which will include the playroom, storage, etc. All utilities will be provided for this area.

Mr. Reilly raised the issue of the second floor of the garage area, and Mr. Von Arx said they would like to be able to utilize this area for living space. The connector is proposed at 35' in height.

Mrs. Seaman asked about the current access to the house and the proposed access.

A Wilson Circle resident was sworn in and expressed concerns with the plan, now that the home has been raised. She is concerned with the vegetation on her property and how it may be affected by this plan. Mr. Monteforte offered suggestions as to how to address her concerns about the trees and also about her concerns regarding lighting that shines on to her property.

Dr. Risin, 18 Wilson Circle, was sworn in and expressed no objections to the application.

There were no other questions or comments from the public.

Mr. André said the numbers for the space over the garage were valid. The total square footage will be 6,951 sq. ft. after construction.

Mr. Von Arx thinks this is a modest change and adapts well to the existing house arrangement.

Mr. Reilly advised that a resolution adopted in 1999 for a former application for this property stipulated that the second floor of the garage would be limited to an exercise room. Now they are proposing a different use for this space; however, it was noted that nothing was built after that approval. The Board agreed that the restriction could be removed.

Mr. Brodsky moved to approve the application, with the condition that no exterior spot lights are installed. Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Thompson, Seaman, Blum, Wood, Sylvester, Brodsky
Nays – None

Motion carried.

Prestige Equities, LLC, 59-62 Carton St.

Mr. Brodsky will not sit in on this application.

Richard J. Pepsny, attorney, appeared on behalf of the applicants. He explained their original approval, received in 2000, and their proposed amendments to alter the façade, construct drainage, and other site improvements.

Bonnie Heard, T&M Assoc., was sworn in at this time. She reviewed their prior approval in 2005, when some deficiencies were observed and some changes done to the site plan. They requested some changes at that time, but the applicant did not complete them. She noted an open issue with some minor site changes and the retaining of the pre-existing nonconforming shed, which is on the property line. Everything else is minor, and she has no objections to the changes, subject to the Board's approval.

The issue of the sidewalk along the rear of the building was raised by Chairman Conklin, and Ms. Heard reviewed the history of this property and application. Chairman Conklin noted that the many deficiencies have gone on for 14 years, and much dialogue has occurred between the owner of the property and the town. Mr. Pepsny said their original plan was not felt to be functional, and the new plan works better, in their opinion.

Thomas Santry, Jr., was sworn in, and the Board accepted his qualifications as the surveyor for this property. He described the changes proposed, noting that the sidewalk in the rear is now built, and Mr. Pepsny said they would agree to any safety conditions imposed. He also stated that the shed is a difficult issue and is necessary for them. A permit would be needed for a storage building, according to Mr. Andre, although it was noted that it was a pre-existing structure.

Chairman Conklin does not think approval was ever received for this shed. He summarized that in 2000 there were several things that the Board considered important issues, including the sidewalk, landscaping, and the storage shed. None of these issues were addressed since that time.

Mr. Pepsny again said they would like to keep the shed. Chairman Conklin recalled that there was also much discussion regarding the landscaping, dumpster, sidewalk, etc. – none of which were ever addressed by the applicant. He would not be in favor of approving this request, since they did not follow the prior approval guidelines.

Tom Ridgway, 56 Black Point Road, was sworn in and stated his opinion that it is insulting that the applicant did not follow the Board's original approval 14 years ago and now wants an amended approval. He thinks the issues need to be corrected – mainly for safety purposes. He also asked about the drainage inlets, and these were shown to him on the plan. He also questioned the parking requirements. He does not think approval should be granted at this time.

Juan Mejil was sworn in and stated he has worked at 61 Carton St. for 12 years. He thinks they should get the project going and move forward. Chairman Conklin said the applicant should have done what they agreed to 14 years ago. Mr. Reilly made some suggestions to Mr. Mejil as to how to address the problems he has with this property.

Eleanor Riccio, purchaser of this property, was sworn in and said she does not think the seller has been cooperative and explained her frustrations, noting that they have already put out money that is being held in escrow. She testified regarding the survey, which was not done by Mr. Santry, according to her. She again said that the seller is difficult to deal with. She has not seen any plans since 2000. Some Board members took exception to Ms. Riccio's derogatory statements about her dealings with the town.

There were no other questions or comments from the public.

After discussion, it was decided to carry the application to see if the property owner can explain why they did not comply with the prior approval. The application will be carried to the 6/17/14 meeting, with no further notice required.

Mr. Brodsky rejoined the meeting at this time.

Daniel & Marnie McCarran, 15 Buttonwood Lane

Mr. McCarran and his architect, Robert Adler, were sworn in at this time. The Board accepted Mr. Adler's qualifications.

Mr. Adler explained their plan to construct a new, single-family residence. The house is fully conforming, but they have an existing nonconformity in the interior lot shape requirement (100' required / 77' existing). They are oversized on the width, but undersized on the depth. They have submitted their drainage plan, and there are no low or wet areas on the lot. The building will not impact the neighbors as to drainage. They will be installing roof drainage via underground lines that go out to the street.

They will have a port-a-cocher between the garage and the house.

All setbacks are conforming. They will be taking down trees within the footprint, which is permitted.

There were no questions or comments from the public.

William Brooks, Forrester for the Borough, was sworn in and said he walked the site and noted five trees within the footprint and one outside the footprint that will be affected. The applicant has agreed to replace the two dogwoods that will be removed. They will also ask for some shade trees on the landscape plan. This can be added to the resolution, if the Board requires it be done.

Mr. Reilly has prepared a resolution of approval. Mr. Brodsky moved to adopt the resolution, and Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Thompson, Seaman, Blum, wood, Sylvester, Brodsky
Nays – None

Motion carried.

Approval of Minutes

The April minutes will be reviewed at the next meeting.

Resolutions

1. **Dennis & Marshall Lynch, 8 Navesink Ave.** – Approval to raze existing residence and construct new residence, cabana, and in ground pool;
2. **James & Janice Dooley, 35 Third St.** – Approval to raze existing residence and construct new residence;
3. **Clockworks Development Group, LLC, 54 Shrewsbury Dr (Corner Osprey Lane)** – Approval to construct new single family residence;
4. **Mark Filipkowski & Cathy Carilli, 101 Waterman Ave. (Corner Oyster Bay)** – Approval to elevate home, construct new front, side and rear entries, new front landscape walls, expand existing first floor deck and connect to existing rear deck, add second floor deck over first floor deck, add new first and second floor rear decks;
5. **Roger & Joann Molnar, 81 Waterman Ave.** – Approval to construct new two-story front addition and remove portion of existing covered porch, add new second floor rear deck above existing first floor deck, and replace existing storm-damaged above-ground pool.

Motion was made and seconded to adopt the resolutions.

Roll Call Vote: Ayes (Eligible) – Conklin, Cottrell, Thompson, Seaman, Blum, Sylvester
Nays – None

Motion carried.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The next meeting will be **June 16, 2014.**

Respectfully submitted,
Patricia Murphy
Clerk

